

# BLUE RIDGE

DEPT. OF TRANSPORTATION  
DOCKETS  
SEP 20 1999

## INTERNATIONAL PRODUCTS COMPANY

September 10, 1999

ORIGINAL

64158

Docket Management  
Room PL- 401  
400 Seventh Street, SW  
Washington, DC 20590

Re: Docket No. 99-5100 -6

Blue Ridge International Products Company acquired the patent and trademark rights in the United States, for the well-known **SafeFit** shoulder belt positioner in June of 1998. The previous patent owner, and Blue Ridge as the exclusively licensed marketer of the product since 1990, addressed Docket No. 74-09; Notice 35 on April 18, 1994, regarding our comments and recommendations for seat belt positioners at that time. Now, five years later our position has not changed.

Our position has not ~~changed~~, and we offer again the following pertinent information regarding devices that are designed to be attached to a vehicle type II belt system to improve the fit of the system on children and ~~in some cases~~ small adults. We would also like to offer comments on the applicability of Standard 213 to these devices.

### BACKGROUND

Since the beginning of development of **SafeFit** in 1990, we have been intimately involved with the subject of the older child and improper fit of Type II belt systems. In fact, it was personal experience with our own children at the ages of 5 and 6 that provided the basis for what eventually became a full time business endeavor. During the past nine years, we have learned that there is clearly a need to find better alternatives for children who have outgrown traditional child restraint systems.

### STATEMENT OF THE PROBLEM

Great strides have been made in child passenger protection through well designed child restraint systems for children under 50 lbs., and the increased availability of Type II systems at all outboard seating positions has improved the protection available for passengers taller than the 5% female. However, there exists today a gap in the protection for older children who weigh between 50 and 100 pounds. Current regulations ensure that child restraints for children up to 50 pounds and Type II belts for adults larger than the 5% female meet established criteria for fit and performance. But there is no specific consideration for children who are too big for a booster seat, but have not yet reached the seated height of a 5% female.

## EXPERIENCE IN THE DOMESTIC MARKETPLACE

It has been our widespread experience here in the U.S. and in a dozen foreign countries that parents have been making improper adjustments to the Type II belts, particularly by placing the shoulder belt under the arm ~~or~~ behind the back in an attempt to get a better fit for their children. One of the potential solutions for improving belt fit has been the introduction of several shoulder belt adjusters designed to improve the shoulder belt fit for the shorter occupant. Parents have shown a strong interest in our product in every country where it is available and we assume there is a similar level of interest in the other products as well. However, most parents are accustomed to seeing notification that such safety products have been subjected to review and testing by an appropriate government ~~agency~~. Since currently Standard 213 offers no criteria for manufacturers to measure against, it is not possible to indicate to the public whether any testing has been done. Absent ~~such certification~~, many parents will simply continue to take matters into their own hands and avoid products that may indeed provide superior protection and choose instead the alternative of misusing seat belts.

## EXPERIENCE OUTSIDE THE UNITED STATES

Over the last nine years we have had the opportunity to see how other countries address the problem of seat belt fit and the older child. What we have learned is that there are generally three different approaches that summarize the attitudes in most countries. One is to not yet acknowledge that the needs ~~of~~ the older child are presently not met by existing standards for seat belt design. This is the situation in the U.S. The second approach, taken by countries such as Germany and France, is to ~~acknowledge~~ the problem and to legislate that children must remain in traditional child restraints or booster seats until an age when Type II belts will fit properly. The third approach is to create ~~a sub~~ category under existing child restraint standards that allows for the testing and certification of newer non traditional devices intended to improve belt fit for the older child; Australia has taken this approach.

It is our opinion that the situation as it currently exists in the U.S. is unsatisfactory because it leaves a significant segment ~~of~~ the population relying on belt systems not specifically designed for their dimensions. Also there is no credible way to differentiate among several aftermarket accessories designed to solve this problem. We feel the European approach excludes many innovative products from the certification process and creates the false impression that the problem of fitting the older ~~child~~ is solved simply by a legislative mandate. In effect, they have chosen not to address the situation directly, but rather prefer to pretend the problem can be solved with traditional ~~booster seats~~.

Although in theory one can advise parents that children should remain in approved child restraints until they reach an age when the Type II belt fits correctly, there are many conditions in the "real world" that ~~make such~~ a solution unworkable. For example, it is our experience that very few children older than pre-schooler use a child restraint. The resistance to use of such restraints includes problems with fit and comfort as well as the psychological problem of convincing the older child that a child restraint is not for "little kids".

## RECOMMENDATIONS

We believe an approach that creates a sub-category within the existing definition of child restraints offers the best opportunity for the development of improved effectiveness of belt systems for the older children. Since devices designed to improve the fit of Type II belt systems are directed for use by children, they logically are an extension of traditional child passenger protection regulation. An approach like that taken in Australia allows for innovation to take place while maintaining the needed control over the quality and safety of new products. It also could set performance standards that would help direct product designers in their efforts to create new products or improve existing products.


An important benefit of expanding Standard 213 to encompass such belt positioning devices would be to require all manufacturers to submit their products for testing. The current situation and lack of appropriate standards allow for several products of dubious design to be offered in the marketplace alongside other more thoughtful and effective designs. There are already in the marketplace several “knock-off” products produced in the Far **East** that have not been tested and provide very poor or inadequate labeling and instructions for use. Lacking a certification requirement or standard, the consumer will have no idea if one product could be safer and more effective than the other and will base their purchase decision on price or packaging alone.

Of the standards requirements we **feel** that those pertaining to dynamic crash testing and labeling for appropriate usage are essential. Also a review of basic product design should be made to ensure that new products are not going to create potential for injury. For example, we think it would also be advisable to include requirements that such devices not include any hard or rigid members in proximity to the head or abdomen of the passenger if it is determined that such rigid member could cause injury to the passenger during a rapid deceleration.

## CONCLUSION

We feel it is unsatisfactory that products designed specifically for a very large segment of the population do not yet have an appropriate standard to which they can be measured. It would clearly be in the public interest to have information available that products meet a minimum level of performance and safety as established by the **NHTSA**. We also feel that responsible manufacturers would welcome the opportunity to subject their products to reasonable testing criteria as part of a certification process that the consumer would understand to mean that the certified products meet a minimum standard of effectiveness and safety.

Sincerely,



**Robert E. Capps**  
CEO